DEFENSE LOGISTICS AGENCY
HEADQUARTERS
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IN REPLY
REFER TO J-37

NOV - 3 2006

MEMORANDUM FOR EXCESS PROPERTY PROGRAM STATE COORDINATORS AND LAW ENFORCEMENT AGENCIES (LEAs)

SUBJECT: Policy to Enforce the Forbid to Sell Weapons of the October 2003 Memorandum of Agreement (MOA) Between the Defense Logistics Agency (DLA) and the States

The subject policy is as follows:

1. Purpose: To provide policy clarification and guidance consistent with Title 10 United States Code (USC), Section 2576a and the MOA executed between DLA for the State Coordinators and LEAs enrolled in the 1033 Program, managed by the DLA, Law Enforcement Support Office (LESO), to disapprove the sale of weapons received from the previous 1208 Program and the current 1033 Program.

2. Scope: This policy applies to all federal, state and local LEAs that were enrolled in the previous 1208 Program and the current 1033 Program.

3. Authority: The excess personal property program for law enforcement activities was established by Section 1208 of the National Defense Authorization Act for 1990-91 and codified at Title 10 USC, Section 2576a. The excess personal property program initially was operated by Regional Logistical Support Offices before being centralized at the DLA Headquarters, Fort Belvoir, Virginia in June 1995. In the fall of 1996, Section 1208 was rescinded and Section 1033 of the National Defense Authorization Act for fiscal year 1997 was implemented. Section 2576a now authorizes the transfer of excess Department of Defense (DOD) personal property to federal and state agencies for use in counter-drug and counter-terrorism activities.

4. Background: Accountability of excess DOD personal property has proven to be challenging particularly with weapons. Since the October 2003 MOA was signed by State Coordinators and DLA, LESO has encountered a number of incidents that have involved the compromise of weapons accountability. For this reason, LESO is enforcing the terms of the October 2003 MOA. In particular, this policy enforces the language found on page 1 of the MOA at paragraph 3 which states, "Property will not be obtained for the purpose of sale, lease, rent, exchange, barter, to secure a loan, or to otherwise supplement normal LEA budgets."

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5. Policy: This memorandum is a policy for LESO to enforce the requirements set forth in the October 2003 MOA that forbids the sale of weapons received through the previous 1208 Program and the current 1033 Program.

In accordance with the October 2003 MOA, specifically page 6 at clause (j) which states, [THE STATE WILL:] "Report all stolen or unaccounted for weapons to the LESO not later than seven working days after notification is received from the LEA." If the State Coordinator does not report the missing or unaccounted for weapon(s), the State risks suspension from the program to include turn-in or transfer of all equipment received through the previous 1208 Program and the current 1033 Program.

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